

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

PRESI ORTEGA, JR.
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
JANUARY 11, 2005
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Presi Ortega, Jr., Paul J. Escobar, Vivian Rojas and Anthony W. Cobos. Absent: None. Meeting was called to order at 9:08 a.m. and the invocation was given by Police Chaplain Carlos Flores, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATION

4TH ANNUAL LEAH O'BRIEN-AMICO'S SOFTBALL WEEKEND

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to **DELETE** the discussion and action that the City of El Paso be more responsive upholding any and all ordinances regarding contaminated waste-illegal dumping in open areas and landfills in order to ensure the health of citizens whom live in or near proximity of such dumpsites or coming in contact with contaminated waste. These sites become future homes or playgrounds with questionable pasts! (11510 Cheryl Ladd)
[Robert L. Barragan]

Motion made by Representative Escobar, seconded by Representative Cobos and unanimously carried to **RECESS** the City Council Meeting to discuss the Mass Transit Board Meeting at 9:17 a.m.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to **RECONVENE** the City Council Meeting from the Mass Transit Board Meeting at 9:22 a.m.

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the Minutes for Regular City Council Meeting of April 22 and 29, 2003; May 27, 2003; and January 4, 2005.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement for Architectural Services by and between the **CITY OF EL PASO** and **ALVIDREZ ARCHITECTURE, INC.**, for a project known as “**Memorial Park Branch Library**”, in an amount not to exceed THIRTY-SIX THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$36,400.00).

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE** until the Regular City Council Meeting scheduled for February 1, 2005, the Resolution that the Engineering Department be authorized to establish and implement appropriate traffic management programs on City streets under the guidelines contained in the “Guidelines for the Implementation of a Neighborhood Traffic Management Program”, attached as Exhibit “A”, and That the authorization to establish and implement appropriate procedures for the placement of speed humps on the City’s streets under general guidelines approved by City Council on Oct. 29, 2002, is hereby rescinded.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That Annex U, “Legal,” for the El Paso City-County Emergency Operations Plan is hereby approved and the Mayor is authorized to sign it.

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***RESOLUTION**

WHEREAS, City Council approved on March 30, 2004, a policy regarding the acceptance and use of donations from the community collected through the efforts of the Mayor’s Ad Hoc Green Sweep Committee, (“Policy”) attached as Exhibit A (Exhibit A on file in the City Clerk’s Office), and;

WHEREAS, Pursuant to the Policy, the Mayor on January 5, 2005, authorized City Departments to provide administrative support for the project identified as the Keystone Wetlands Tree Project (“Project”), and;

WHEREAS, the El Paso Green Sweep Committee recommends the Project, and;

WHEREAS, the El Paso Green Sweep Committee will, pursuant to the terms of the Policy, solicit contributions of funds, materials and labor for the Project, which contributions will fully fund the Project, and;

WHEREAS, pursuant to the terms of the Policy, City Departments will coordinate with the El Paso Green Sweep Committee and the contributors of any funds, materials or labor, and;

WHEREAS, The El Paso Green Sweep Committee and the City Departments have developed a proposed Project scope, attached as Exhibit B (Exhibit B on file in the City Clerk’s Office), and;

WHEREAS, the City Council finds that the Project is in the public interest and that the Project should be executed pursuant to the proposed project scope, and at no cost to the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Keystone Wetlands Tree Project ("Project") is in the public interest and should be executed pursuant to the proposed project scope (Exhibit B), with contributions of funds, materials and labor for the project solicited by the El Paso Green Sweep Committee; and that the Streets Director be authorized to negotiate, the City Attorney's Office be authorized to prepare, and the Mayor or his designee be authorized to sign, all documents necessary to complete the Project, including but not limited to donation agreements for materials, labor and maintenance; and that the Project be completed at no cost to the City of El Paso.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE ONE (1) WEEK** the Resolution that the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **THOMAS M. DOYLE**, to assist the Office of Management and Budget as a Senior Grants Coordinator, at a biweekly rate of \$2,575.00, for 40 hours per week. The term of the contract shall be for the period of January 22, 2005 through January 21, 2006. This contract is subject to the concurrence of the Civil Service Commission. Funding Source: FY05 General Funds Account.
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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Management Agreement between the City of El Paso and the El Paso Police Foundation defining their respective rights and responsibilities with respect to the Police Department.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor, through the Chief of Police be authorized to submit an on-line grant application completed by the El Paso Police Department authorizing the Mayor to sign any related paperwork, including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant and authorize budget transfers, from the U.S. Department of Justice, Office on Violence Against Women, for a grant under the Arrest Policies and Enforcement of Protection Orders Grant Program in the amount of \$750,000 over two years to pay for personnel and related costs for the purpose of creating a centralized Domestic Violence Unit; and that the Mayor be authorized to sign a Memorandum of Understanding between the City of El Paso, the Center Against Family Violence, the District Attorney's Office for the purpose of implementing the grant program. Matching funds are not required.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That \$800,000 of available proceeds from the Tax Increment Finance Fund of the abolished Tax Increment Finance District No. 1 be authorized for budget transfer to the Main Library Expansion Project of the 2004 Quality of Life Bond Election; that such amount be allocated to the Project as follows: \$250,000 for Additional Project Contingency, \$300,000 for Furniture, and \$250,000 for Computer/Network Equipment; and that the City Manager be authorized to sign on behalf of the City of El Paso all documents required to effectuate such transfer and expenditure.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this solid waste management lien for:

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
1703 Janet Coles Lane	\$168.87	\$ 6.92	\$175.79

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Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **MOVE TO THE REGULAR AGENDA** the 15 Resolutions terminating for Notice Recycling Agreements.

Ms. Lisa Turner, citizen, requested additional information.

The following City staff members commented:

1. Ms. Ellen Smyth, Director of Solid Waste Management
2. Ms. Joyce Wilson, City Manager

Representative Cushing commented.

There was no further public comment.

Motion made by Representative Lozano, seconded by Representative Rojas and unanimously carried to **APPROVE** the following 15 Resolutions:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Solid Waste Management Department be authorized to terminate for Notice the Recycling Agreement between the City of El Paso and Alameda Thrift Pharmacy dated September 24, 2002 pursuant to the provisions and requirements of Section 10, Termination Clause. The termination shall be effective as of December 27, 2004.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Solid Waste Management Department be authorized to terminate for Notice the Recycling Agreement between the City of El Paso and Asset Real Estates Services, LLC dated August 12, 2003 pursuant to the provisions and requirements of Section 10, Termination Clause. The termination shall be effective as of December 27, 2004.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Solid Waste Management Department be authorized to terminate for Notice the Recycling Agreement between the City of El Paso and Choicepoint Precision Marketing dated March 23, 2004 pursuant to the provisions and requirements of Section 10, Termination Clause. The termination shall be effective as of December 27, 2004.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Solid Waste Management Department be authorized to terminate for Notice the Recycling Agreement between the City of El Paso and Ysleta Independent School District for Desert View Middle School dated August 12, 2003 pursuant to the provisions and requirements of Section 10, Termination Clause. The termination shall be effective as of December 27, 2004.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Solid Waste Management Department be authorized to terminate for Notice the Recycling Agreement between the City of El Paso and Highlands Regional Rehabilitation Hospital dated February 25, 2003 pursuant to the provisions and requirements of Section 10, Termination Clause. The termination shall be effective as of December 27, 2004.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Solid Waste Management Department be authorized to terminate for Notice the Recycling Agreement between the City of El Paso and International Copy Machine Center dated March 17, 1998 pursuant to the provisions and requirements of Section 10, Termination Clause. The termination shall be effective as of December 27, 2004.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Solid Waste Management Department be authorized to terminate for Notice the Recycling Agreement between the City of El Paso and JTS Car Wash dated October 14, 2003 pursuant to the provisions and requirements of Section 10, Termination Clause. The termination shall be effective as of December 27, 2004.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Solid Waste Management Department be authorized to terminate for Notice the Recycling Agreement between the City of El Paso and KRONE, Inc. dated March 19, 2002 pursuant to the provisions and requirements of Section 10, Termination Clause. The termination shall be effective as of December 27, 2004.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Solid Waste Management Department be authorized to terminate for Notice the Recycling Agreement between the City of El Paso and La Posada Home, Inc. dated June 15, 2004 pursuant to the provisions and requirements of Section 10, Termination Clause. The termination shall be effective as of December 27, 2004.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Solid Waste Management Department be authorized to terminate for Notice the Recycling Agreement between the City of El Paso and Ysleta Independent School District for Lancaster Elementary School dated August 12, 2003 pursuant to the provisions and requirements of Section 10, Termination Clause. The termination shall be effective as of December 27, 2004.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Solid Waste Management Department be authorized to terminate for Notice the Recycling Agreement between the City of El Paso and Rio Grande/Rio Bravo Basin Coalition (Coalicion de Cuenca del Rio Bravo/Rio Grande) dated November 20, 2001 pursuant to the provisions and requirements of Section 10, Termination Clause. The termination shall be effective as of December 27, 2004.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Solid Waste Management Department be authorized to terminate for Notice the Recycling Agreement between the City of El Paso and Rudolph Honda, Inc. dated November 20, 2001 pursuant to the provisions and requirements of Section 10, Termination Clause. The termination shall be effective as of December 27, 2004.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Solid Waste Management Department be authorized to terminate for Notice the Recycling Agreement between the City of El Paso and Stewart Title of El Paso dated July 16, 2002 pursuant to the provisions and requirements of Section 10, Termination Clause. The termination shall be effective as of December 27, 2004.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Solid Waste Management Department be authorized to terminate for Notice the Recycling Agreement between the City of El Paso and Thomas Manor Elementary School dated September 30, 2003 pursuant to the provisions and requirements of Section 10, Termination Clause. The termination shall be effective as of December 27, 2004.

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Solid Waste Management Department be authorized to terminate for Notice the Recycling Agreement between the City of El Paso and Anaya-Guerrero Investments Corp. d/b/a Tony Roma's Restaurant dated August 20, 2002 pursuant to the provisions and requirements of Section 10, Termination Clause. The termination shall be effective as of December 27, 2004.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the following provisional appointment in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

Fleet Maintenance Chief (1)
Fund Source: 37370155-45202-37000

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the Staffing Table Change for the Office of Management and Budget:

Add 1.00 Public Information Clerk GS12
Fund Source: 01101-04010020-501000-04000

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Appointment of Jennifer Farleo Callan as Assistant City Attorney effective January 18, 2005 was **MOVED TO THE REGULAR AGENDA AND TO THE FOREFRONT OF THE AGENDA.**

Mayor Joe Wardy and Representatives Escobar, Cobos, Cook and Cushing commented.

Ms. Lisa A. Elizondo, City Attorney, commented.

Motion made by Representative Escobar, seconded by Representative Cushing and carried that Jennifer Farleo Callan be **CONFIRMED** as Assistant City Attorney effective January 18, 2005 at a salary of \$83,000.00 per annum, plus any additional benefits of the position.

AYES: Representatives Austin, Cushing, Lozano, Ortega, Escobar, Rojas and Cobos
NAYS: Representative Cook

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **RE-APPOINT** Amy Schoemaker to the El Paso Mountain Committee by Representative Vivian Rojas, District 7.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried that the following installment agreements for **AD VALOREM taxes** be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #F607-999-0600-1300, \$204.28 per month installments on a balance of \$2,451.36 for 2003 taxes; Antonio & Susan Fernandez – 1506 Montana.
- B. PID #C882-999-0020-4100, \$609.72 per month installments on a balance of \$7,316.64 for 2002 & 2003 Taxes; David & Margarita C. Trimble – 5336 Country Oaks Dr.
- C. PID #A486-000-0030-0140, \$487.02 per month installments on a balance of \$2,922.12 for 2000, 2001, 2002, 2003 & 2004 taxes; - Jose A. & Beatriz Baray – 11900 Kings Crest.

*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried that the following tax refunds be APPROVED:

- A. First American Title in the amount of \$4,834.16 overpayment of 2004 taxes.
(PID #C340-999-0830-2700)
- B. Sierra Title Company in the amount of \$4,124.40 overpayment of 2004 taxes.
(PID #C340-999-0920-3500)
- C. Landamerica Lawyers Title of El Paso in the amount of \$5,723.11 overpayment of 2003 taxes.
(PID #R601-999-0040-2600)
- D. Willie and Fay Armstrong in the amount of \$3,783.61 overpayment of 2004 taxes.
(PID #V897-999-0950-1100)

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Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **MOVE TO THE REGULAR AGENDA** the request that the City Council authorize an emergency procurement and that the Mayor or City Manager be authorized to sign a contract with Joe I. Salazar Drilling Co., Inc. in the amount of \$396,024.00 for the drilling of a water well at the El Paso International Airport Lone Star Golf Course for irrigation purposes (Contract No. 2005-097).

Mayor Joe Wardy and Representatives Cook, Cushing and Lozano commented.

The following City staff members commented:

- 1. Ms. Joyce Wilson, City Manager
- 2. Mr. Byron Johnson, Director of Purchasing

Mr. Ramon E. Lara, P.E., Parkhill, Smith & Cooper, Inc., commented.

There was no further public comment.

Motion made by Representative Ortega, seconded by Representative Cushing and unanimously carried to **APPROVE** the request that the City Council authorize an emergency procurement and that the Mayor or City Manager be authorized to sign a contract with Joe I. Salazar Drilling Co., Inc. in the amount of \$396,024.00 for the drilling of a water well at the El Paso International Airport Lone Star Golf Course for irrigation purposes (Contract No. 2005-097).

The existing well at the golf course has ceased to produce water and it is necessary to drill a new water well. Currently, due to the malfunction of the well, the only source of water for irrigation purposes is by use of a fire hydrant.

This procurement is necessary to preserve the public property of the Municipality and is exempt from the competitive bid requirements of Chapter 252 of the Local Government Code, as noted in Section 252.022, General Exemptions.

Department: Aviation
Funds available in: PAP0033- 41074-62620022-508027
Funding Source: Airport Land Sales Restricted Fund
Amount: \$396,024.00

NOTE: The item was discussed simultaneously with Budget Transfer 2005-390 AIRPORT. See discussion on page 12.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** Change Order to the following contract:

Contract No. 2003-146 Mast Arm Poles
Reliapole Solutions, Inc.
Tomball, Texas

The Street Department & Purchasing Department request approval of change order to Reliapole Solutions, Inc. for Mast Arm Poles for an increase amount of \$16,601.67 (22.19 % of original awarded contract amount).

Department: Street Department
Funds Available: 32010287-503203-01101
Funding Source: Street General Operating Funds

Total Change Order: \$16,601.67

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** Change Order No. Seven (Construction Change) to Samcorp General Contractors for Contract No. 2004-045, New Marty Robbins Recreation Center and Pool Enclosure project for an increased amount of \$68,049.94. Change Order also adds twenty-one (21) days to the contract time. The purpose of this change order is to install sod on the four existing baseball fields, per Parks and Recreation Department request.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **AWARD** Best Value Procurement Solicitation No. 2005-023 Fire Station #18 Renovation

Contractor: P.R. Homes, Inc.
El Paso, Texas

Department: Fire Department
Funds Available: 14200404-PBE04FI101-29158-508027
Funding Source: 2004 Bond Election
Items: Base Bid \$260,777.00
Total Award: \$260,777.00

The Departments of Engineering and Fire recommend the award of this contract to P.R. Homes, Inc., as this Offeror has provided the Best Value Proposal. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **AWARD** Bid Solicitation No. 2005-051 Traffic Lamps

Award to: Graybar Electric
El Paso, TX
Item (s): All
Amount: \$29,003.00 (yearly)

Department: Streets
Funds available: 32010288-01101-503203
Funding source: Operating Account Public Accesses- Maintenance & Repairs
Total award: \$58,006.00

Municipal Services, Traffic Division and Purchasing Department recommends award as indicated. Graybar Electric is the lowest responsive bidder that meets all requirements of the Solicitation. This is a twenty-four (24) month contract with the option to renew for one additional year.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to
POSTPONE ONE (1) WEEK Bid Solicitation No. 2005-065 Household Hazardous Waste Disposal Services

Award to: EnviroSolve, LLC
Tulsa, OK
Item (s): All
Amount: \$200,000.00 (estimated yearly)

Department: Solid Waste Management
Funds available: 34010296-40403-502204
Funding source: Outside Contracts
Total award: \$400,000.00 (estimated)

Solid Waste Management Department and Purchasing Department recommends award as indicated. EnviroSolve, LLC, provided the lowest bid that meets all requirements of the Solicitation.

This is a twenty-four (24) month contract with the option to renew two (2) additional years on a month to month basis.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to
APPROVE budget transfer BT2005-355 PARKS AND RECREATION

This budget transfer recognizes actual revenues from Parkland Dedication fees and appropriate money to be used for Park construction within the same park zone as the development that generated the revenues. Parkland Dedication fees are paid by developers based upon City Ordinance.

Increase	\$ 1,159	to	51159242/P51800081216151/405072	Park Fees
Increase	\$ 1,159	to	51159242/P51800081216151/508004	Public Use
Increase	\$ 1,174	to	51159242/P51800082516164/405072	Park Fees
Increase	\$ 1,174	to	51159242/P51800082516164/508004	Public Use
Increase	\$ 956	to	51159242/P51800015916133/405072	Park Fees
Increase	\$ 956	to	51159242/P51800015916133/508004	Public Use
Increase	\$ 1,200	to	51159242/P51800081216151/405072	Park Fees
Increase	\$ 1,200	to	51159242/P51800081216151/508004	Public Use
Increase	\$ 773	to	51159242/P51800080916148/405072	Park Fees
Increase	\$ 773	to	51159242/P51800080916148/508004	Public Use
Increase	\$ 600	to	51159242/P51800086016200/405072	Park Fees
Increase	\$ 600	to	51159242/P51800086016200/508004	Public Use
Increase	\$ 900	to	51159242/P51800080916148/405072	Park Fees
Increase	\$ 900	to	51159242/P51800080916148/508004	Public Use
Increase	\$15,000	to	51159242/P51800015316127/405072	Park Fees
Increase	\$15,000	to	51159242/P51800015316127/508004	Public Use
Increase	\$ 3,300	to	51159242/P51800081416153/405072	Park Fees
Increase	\$ 3,300	to	51159242/P51800081416153/508004	Public Use

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **APPROVE** the request of El Paso ACORN to hold a rally at Mundy Park (500 Porfirio Diaz) on January 13, 2005 from 9:00 a.m. to 2:00 p.m. Approximately 50 persons will take part with no spectators anticipated. This request includes permission to use amplification (1 bullhorn). PERMIT NO. 05-001

[Jose Manuel Escobedo]

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Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried that the following Ordinance, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

An Ordinance amending Title 18 (Building and Construction), by creating Chapter 18.18 (Outdoor Lighting Ordinance), of the El Paso City Code, the penalty being as provided in Section 18.02.107 of the El Paso City Code.

PUBLIC HEARING WILL BE HELD ON JANUARY 25, 2005

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE ONE (1) WEEK** the discussion and action on approval of a Memorandum of Understanding to be submitted to the United States Bankruptcy Court in the Chapter 7 case of Cumbre Development Corp., Case No. 02-32345, in support of Trustee's Motion to Sell Property Free and Clear of Liens Pursuant to 11 U.S.C. Sec. 363 to First National Bank.

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NO ACTION WAS TAKEN on the discussion and action regarding the City's follow-up on the continued illegal dumping and lack of maintenance on the properties located at 7204 1/2, 7208, 7210, 7212, 7214, 7216, 7218, 7220, 7222, 7224, 7226, and 7228 North Loop as previously presented to Council; and to direct the City Manager to remedy these properties immediately by notifying the owner to correct the violations that present a fire and safety hazard within thirty days, or will be repaired or demolished by the City of El Paso, through the appropriate City departments and application of all appropriate ordinances that all citizens of the City of El Paso are required to adhere to.

Representative Lozano requested that the following language be included in the record: "not limited to other properties nearby, Block 7, Lots 29 through 28 and replat Stile Gardens, Lots 1 through 7".

Mayor Joe Wardy and Representatives Cobos, Cushing, Austin and Escobar commented.

The following City staff members commented:

1. Ms. Lisa A. Elizondo, City Attorney
2. Mr. Alan Shubert, Director of Building Permits and Inspections, displayed photographs of the properties
3. Mr. Thomas Maguire, Building Permits and Inspections
4. Ms. Joyce Wilson, City Manager
5. Ms. Lisa Hayes, Assistant City Attorney

Ms. Lisa Turner, citizen, commented.

There was no further public comment.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE** until the Regular City Council Meeting scheduled for February 1, 2005 the discussion and action to surface-paint the designated Glengarry Street Parking on both sides of Glengarry between McRae and Darlina for the purpose of providing this as a traffic calming device, and to direct the City Manager to instruct the appropriate City departments to commence this project within the next 30 days.

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Motion made by Representative Ortega, seconded by Representative Cushing and unanimously carried to **APPROVE** budget transfer BT2005-390 AIRPORT

Transfer of funds to set up funding for the Lone Star Golf Course replacement well construction.

Increase	\$ 50,000	to	62620022/PAP003341074/508016	Design(CWIP)
Increase	\$630,000	to	62620022/PAP003341074/508027	Construction
Increase	\$680,000	to	62620022/PAP003341074/407001	Intrfd Trf In
Increase	\$680,000	to	62620017/40107/407002	Est Rev
Increase	\$680,000	to	62620017/40107/507001	Intrfd Trf Out

Ms. Joyce Wilson, City Manager, and Mayor Joe Wardy commented.

NOTE: The item was discussed simultaneously with the request that the City Council authorize an emergency procurement and that the Mayor or City Manager be authorized to sign a contract with Joe I. Salazar Drilling Co., Inc. in the amount of \$396,024.00 for the drilling of a water well at the El Paso International Airport Lone Star Golf Course for irrigation purposes (Contract No. 2005-097). See discussion on page eight.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **DELETE** the discussion and action regarding the following cases and request by Senator Eliot Shapleigh to have the City's attorneys and/or staff conduct a personal briefing for him regarding the status of the following cases and the City's plans for same:

Asarco v. TCEQ v. City of El Paso, In the 261st District Court, Travis County, Texas; Cause No. GN401709

ASARCO Incorporated Air Quality Permit No. 20345; TCEQ, Docket No. 2004-0049-AIR

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Motion made by Representative Ortega, seconded by Representative Rojas and unanimously carried to **AWARD** Bid Solicitation No. 2005-010 Edgemere Boulevard Extension Improvements

Award to:	J. A. R. Concrete, Inc. El Paso, TX
Department:	Streets
Funds available:	31260001-PPWST03022-60633-508027
Funding source:	FY03 Certificates of Obligation
Items:	Base Bid I \$1,415,698.52
	Base Bid IA \$ 4,404.25
	Base Bid II \$ 67,367.08
	Base Bid III \$ 27,954.90

Total award: \$1,515,424.75

The Departments of Engineering and Streets recommend the award of this contract to J. A. R. Concrete, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

1. Lump Sum Component

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

2. Unit Price Component

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

Mayor Joe Wardy and Representative Ortega commented.

Mr. Daryl Cole, Street Director, commented.

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*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to
POSTPONE ONE (1) WEEK Bid Solicitation No. 2005-050 El Paso International Airport Golf Course

Contractor:	Golf Works, Inc. Austin, Texas		
Department:	Department of Aviation		
Funds Available:	62620026-PAP0023-41063-508027		
Funding Source:	Airport Revenue		
Items:	Base Bid	\$9,426,310.55 and	
	Alternate No. 18	\$ 25,000.00	
Total Award:		\$9,451,310.55	

The Departments of Engineering and Aviation recommend the award of this contract to Golf Works, Inc., the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

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ORDINANCE 15984

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF A PORTION OF LOTS 11 AND 12 AND ALL OF LOTS 13 THROUGH 20, FRACTIONAL BLOCK 28, ALEXANDER ADDITION, EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO A-O (APARTMENT/OFFICE). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that there was no opposition to the zoning change request. He answered questions from and responded to comments made by Representative Austin.

The City Clerk called for public comment. There was no public comment.

1st Motion:

Motion duly made by Representative Austin, seconded by Representative Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Ortega, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

2nd Motion:

Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried to **RECONSIDER** the above ordinance.

Mayor Joe Wardy and Representative Austin commented.

The following City staff members commented:

1. Mr. Rudy Valdez, Chief Urban Planner
2. Ms. Joyce Wilson, City Manager

The City Clerk called for public comment. There was no public comment.

3rd and Final Motion:

Motion made by Representative Austin, seconded by Representative Cobos and unanimously carried to **ADOPT** the above ordinance.

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ORDINANCE 15985

The City Clerk read an Ordinance entitled: **AN ORDINANCE CHANGING THE ZONING OF TRACT 146, NORTH VALUMBROSA SUBDIVISION NO. 2, EL PASO, EL PASO COUNTY, TEXAS FROM R-4 (RESIDENTIAL) TO R-5 (RESIDENTIAL). THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended unanimous approval. He added that there was no opposition to the zoning change request and answered questions from and responded to comments made by Representative Escobar.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Escobar, seconded by Representative Lozano, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Escobar, Rojas and Cobos
NAYS: None Absent: None

Representative Escobar was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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ORDINANCE 15986

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON04-00141, TO ALLOW FOR INFILL DEVELOPMENT ON A PORTION OF TRACT 17C, LOT 17, EL CANUTILLO ACREAGE LOTS, EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.14.040 (ZONING) OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, gave a Powerpoint presentation and noted that the CPC (City Plan Commission) and DCC (Development Coordinating Committee) had recommended unanimous approval. He added that there was no opposition to the zoning change request and answered questions from and responded to comments made by Representative Austin.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Austin, seconded by Representative Cushing, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Ortega, Escobar, Rojas and Cobos
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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No action was taken on the City Manager's report of current events and issues:

- a. Pilot curbside recycling program and discussion with Council
- b. Notice of upcoming meetings and events to take place in the City

Mayor Joe Wardy and Representatives Rojas, Cushing, Austin, Ortega, Lozano and Cook commented.

The following City staff members commented:

- 1. Ms. Ellen Smyth, Director of Solid Waste Management, gave a Powerpoint presentation (on file in the City Clerk's office) and commented on the City's pilot recycling program.
- 2. Ms. Joyce Wilson, City Manager
- 3. Ms. Lisa A. Elizondo, City Attorney

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ADDITION TO THE AGENDA

*Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **POSTPONE ONE (1) WEEK** the Resolution that the City supports a grant application to the National Vacant Properties Campaign for technical assistance to facilitate local solutions to vacant properties and infill development issues; and that the Deputy City Manager for Building & Planning Services be authorized to negotiate, the City Attorney's Office be authorized to prepare, and the Mayor or his designee be authorized to sign all documents necessary to support and to complete the application, and to accept the grant of technical assistance upon notice of award. The Mayor or his designee is hereby authorized to execute any necessary budget transfers to accomplish the intent of this Resolution.

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Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 10:47 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- A. ASARCO Particulate Reduction Contract Enforcement. (551.071)
- B. *Asarco v. TCEQ v. City of El Paso*, In the 261st District Court, Travis County, Texas; Cause No. GN401709. (551.071)
- C. ASARCO Incorporated Air Quality Permit No. 20345; TCEQ, Docket No. 2004-0049-AIR. (551.071)
- D. Rolando Parra, Juan Aragon, Enrique Aragon Romero, Manuel Aragon, Guadalupe Aragon and Josefina Aragon vs. Officer C. Jones, Officer D. Medina, Officer O'Connor, Officer Mendoza, Officer Mendez, Officer Corral, K-9(7), Sgt. Gaither and The City of El Paso, Texas; *Cause No. EP-04-CA-0420-DB in the United States District Court for the Western District of Texas*. (551.071)
- E. Discussion, deliberation, and action on economic development-related negotiations with a business prospect and the possible offer of financial or other incentives to the business prospect. (551.087)

Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to adjourn the Executive Session and **RECONVENE** the meeting of the City Council at 12:09 p.m., during which time motions were made as follows.

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No action was taken on the discussion and action of the following executive session item:

ASARCO Particulate Reduction Contract Enforcement. (551.071)

Mr. Rick Provencio, citizen, commented and asked questions.

Mayor Wardy and Assistant City Attorney Jim Martinez commented and responded to Mr. Provencio's concerns.

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No action was taken on the discussion and action of the following executive session item:

Asarco v. TCEQ v. City of El Paso, In the 261st District Court, Travis County, Texas; Cause No. GN401709. (551.071)

Mr. Rick Provencio, citizen, commented and asked questions.

Mayor Wardy and Representatives Cushing and Cook commented.

Assistant City Attorney Jim Martinez commented.

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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the City's lawyers be **AUTHORIZED TO PROCEED** in the case of ASARCO Incorporated Air Quality Permit No. 20345; TCEQ, Docket No. 2005-0049-AIR, as recommended by the City's lawyers.

Mr. Rick Provencio, citizen, commented and asked questions.

Mayor Wardy and Representatives Cobos, Cook, Escobar, and Cushing commented.

Assistant City Attorney Jim Martinez commented.

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Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried that the City Attorney be **AUTHORIZED TO NEGOTIATE AND SIGN RETENTION AGREEMENTS WITH OUTSIDE COUNSEL** for the representation of James O'Connor in the lawsuit styled *Rolando Parra, Juan Aragon, Enrique Aragon Romero, Manuel Aragon, Guadalupe Aragon and Josefina Aragon vs. Officer C. Jones, Officer D. Medina, Officer O'Connor, Officer Mendoza, Officer Mendez, Officer Corral, K-9(7), Sgt. Gaither and The City of El Paso, Texas*; Cause No. EP-04-CA-0420-DB in the United States District Court for the Western District of Texas

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Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to **POSTPONE ONE (1) WEEK** the following executive session item:

Discussion, deliberation, and action on economic development-related negotiations with a business prospect and the possible offer of financial or other incentives to the business prospect. (551.087)

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Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to **ADJOURN** this meeting at 12:28 p.m.

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk